

A RESOLUTION

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE

02- R-1532

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$8,571.00 TO JERRY MCHAN IN
SETTLEMENT OF HIS CLAIM AGAINST THE CITY OF
ATLANTA AND FOR OTHER PURPOSES**

WHEREAS, during 2001 and 2002 the City, through its contractor, Shaheed's Construction Company, Inc., has been installing new storm sewers around and through Fairview Road in Northeast Atlanta; and

WHEREAS, Jerry McHan has filed a claim against the City of Atlanta seeking recovery for damages sustained to his property arising from the construction of a storm sewer on his property by Shaheed's Construction Company, Inc.; and

WHEREAS, the damage done by Shaheed's Construction Company, Inc., included damage to the claimant's landscape, removal and replacement of a mature Magnolia tree that died due to the construction and cleaning of the exterior of the home and driveway; and

WHEREAS, the claimant has asserted damages in excess of \$10,571.00 but has agreed to accept the sum of \$8,571.00 in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Jerry McHan be settled for the sum of \$8,571.00.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$8,571.00 be paid by the City of Atlanta in satisfaction of any and all claims Jerry McHan may have stemming from damages sustained to his property located at 1327 Fairview Road during 2001 and 2002.

BE IT FURTHER RESOLVED that the City Attorney be granted the authority to take all necessary action, up to and including the filing of a lawsuit to pursue recovery for the damages caused by the contractor, Shaheed's Construction Company, Inc.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.